IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

Bail Appl..No. 1561 of 2007()

CRLMP.859/2007 of DISTRICT COURT, PALAKKAD
CRIME NO.111/2007 OF OTTAPPALAM POLICE STATION, PALAKKAD

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PETITIONER/1ST ACCUSED

E.SASEENDRAN @ SASI, AGED 45,
SON OF KESAVAN, ELIYAKATTUTHODI,
CHEROTTUR POST, OTTAPPALAM, PALAKKAD.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.SOJAN MICHEAL

RESPONDENT: COMPLAINANT

THE STATE OF KERALA- REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1561 OF 2007 A

Dated this the 14th day of March, 2007

O R D E R

Petitioner, who is the first accused in Crime No.111/2007 of Ottappalam Police Station for offences punishable under Sec.3(a) of the Explosive Substances Act, 1908 and section 286 read with section 34 IPC, seeks anticipatory bail. The petitioner is the President of the Temple Pooraghosha Committee of Sree Kurumba Bhagavathy Temple. The case of the prosecution is that on 4.3.2007 at about 7.30 p.m. while the flag was hoisted in connection with the Thalapoli Festival, some fireworks took place inside the temple premises and on account of the misfiring of a cracker 24 persons sustained injuries. The further case of the prosecution is that the fireworks was without any valid licence.

2. After hearing the learned counsel for the petitioner and the learned Public Prosecutor prima facie it is difficult to believe that there was any deliberate intention to injure anybody while allowing the fireworks in connection with the flag hoisting in the temple. It is only a manifestation of the exhuberance of the pomp and pageantry in connection with the festival in place of worship. The mishap could not have been reasonably foreseen.

3. Under these circumstances, I am inclined to grant anticipatory bail to the petitioner. Accordingly, a direction is issued to the officer-in-charge of the police station concerned to release the

petitioner on bail for a period of one month in the event of his arrest in connection with the above case on his executing a bond for Rs.10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the said officer and subject to the following conditions:

a. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

b. The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

c. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

d. Petitioner shall not commit any offence while on bail.

e. Petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

(V. RAMKUMAR, JUDGE)

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